

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 3622
)	
SRINIVASAN, et al.)	Examiner: ALVAREZ, RAQUEL
)	
Serial No.: 10/001,662)	
)	
Filed: October 18, 2001)	
)	
Atty. File No.: 1585C (42059-01380))	
)	
For: "METHOD AND APPARATUS FOR)	
BROADCASTING INFORMATION OVER A)	
NETWORK")	



APPELLANTS' BRIEF ON APPEAL

Commissioner for Patents
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MAIL STOP: APPEAL BRIEF - PATENTS

Dear Sir:

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The structure of Appellant's Brief is as follows and in the order required by 37 CFR § 41.37:

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General Appendices

- A. A copy of U.S. Patent No. 6,006,265 issued to Rangan.
- B. A copy of U.S. Patent No. 5,155,591 issued to Wachob.

I. REAL PARTY IN INTEREST

The inventor of the above-noted patent application has assigned all respective rights in relation to the invention entitled “METHOD AND APPARATUS FOR BROADCASTING INFORMATION OVER A NETWORK” including any resulting patent, to U.S. West, Inc., a Delaware corporation formerly with a place of business in Denver, Colorado. This assignment was for the parent U.S. Patent Application No.09/322,375 (Now U.S. Patent No. 6,411,992 issued June 25, 2002) of the above noted patent application (i.e., a continuation patent application) and was recorded at the U.S. Patent Office on Aug. 27, 1999 at Reel 010196, Frame 0922. This invention, including any resulting patent, was then assigned by U.S. West, Inc. to Qwest Communications International Inc., a Delaware corporation with a place of business in Denver, Colorado, in the Assignment that was recorded at the U.S. Patent Office on September 25, 2000 at Reel 010814, Frame 0339. These assignments were subsequently recorded for the above noted patent application at the U.S. Patent Office on Jan. 2, 2007 at Reel 018698, Frame 0929 and at Reel 018698, Frame 0949. Therefore, Qwest Communications International Inc. is the real party in interest in this appeal.

II. RELATED APPEALS AND INTERFERENCES

Appellant, Appellant's legal representative, the assignee of the above-noted patent application, and the named inventors for the above-noted patent application are all unaware of any appeal(s) or interference(s) which will directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

The status of the claims is as follows:

1. Claims pending: 1 – 6, 8 - 11 and 22 - 25;
2. Claims rejected: 1 – 6, 8 - 11 and 22 - 25.

IV. STATUS OF AMENDMENTS (37 CFR § 1.192(c)(4))

The Applicant filed U.S. Patent Application No. 10/001,662 on Oct. 18, 2001. The application contained 21 total claims, 2 of which (Claims 1 and 12) were independent claims. The Applicant received a Non Final Office Action mailed Jan. 29, 2003 (the “First Non Final Office Action”), wherein Claims 1 - 11 were rejected by the original Examiner under 35 U.S.C. § 101. Claims 1 - 21 were also rejected under 35 U.S.C. § 112, first paragraph and second paragraph. Claims 1 through 21 were also rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,331,974 (issued May 25, 1982), U.S. Patent No. 5,155,591 (issued Oct. 13, 1992; hereafter “Wachob”), U.S. Patent No. 5,446,919 (issued Aug. 29, 1995), U.S. Patent No. 5,515,098 (issued May 7, 1996), U.S. Patent No. 5,661,516 (issued August 26, 1997); or U.S. Patent No. 5,600,364 (issued Feb. 4, 1997) and under 35 U.S.C. § 102(e) as being anticipated by WO 99/46708 (published September 16, 1999), U.S. Patent No. 6,006,265 (issued Dec. 21, 1999; hereafter “Rangan”), WO 00/17775 (published Mar. 30, 2000), or U.S. Patent No. 6,298,348 (issued Oct. 2, 2001). Claims 1 - 21 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over the Examiner's personal experience in NFL Super Bowl advertising. The Applicant filed an Amendment and Response on June 30, 2003 amending claims 1, 2, 4, 8, 9, 11 - 14, 17, and 18, cancelling claims 7 and 20 to address informalities, and arguing the distinctions in the claims as compared to the above cited references.

The Applicant received a Final Office Action mailed on August 25, 2003 (the “First Final Office Action”) rejecting claims 2, 10, and 15 for various informalities and rejecting claims 1 - 6, 8 - 11, 13 through 19, and 21 under 35 USC § 101 for previously recited reasons. The Examiner also maintained the rejections of claims 1 - 6, 8 - 19, and 21 under 35 U.S.C. § 112, first paragraph and second paragraph, 35 U.S.C. § 102, and 35 U.S.C. § 103(a). The Applicant filed a Request for

Continued Examination and a Preliminary Amendment therewith on October 24, 2003 amending claims 1, 3 - 6, canceling claims 12 - 21, and adding new claims 22 - 25. On January 18, 2006, newly assigned Examiner Raquel Alvarez mailed a Non Final Office Action (the “Second Non Final Office Action”) rejecting claims 1 - 6 and 8 - 25 (even though claims 12 - 21 were already cancelled) under 35 USC § 103(a) as being unpatentable over Rangan, et al. in view of Wachob, although claims 8 - 21 were no longer pending. The Applicant amended claims 1 and 6 to correct informalities on May 18, 2006 and traversed each of the Examiner’s rejections including those which the Examiner never articulated. In a Final Office Action mailed August 11, 2006 (the “Second Final Office Action”), the Examiner maintained the rejections to claims 1 - 6 and 8 - 25 under 35 U.S.C. § 103(a) and summarily dismissed the Applicant’s arguments and the Applicant’s contentions that she did not address the claims. The Applicant responded to the Second Final Office Action on October 11, 2006, traversing the Examiner's rejections to claims 1 - 6, 8 - 11, and 22 - 25 without amending. In response, the Examiner mailed an Advisory Action on October 20, 2006 stating that the application was still not in condition for allowance. A Notice of Appeal was filed by the Applicant on November 13, 1006 and this Appeal Brief is the result thereof.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim Group A: Claims 1 - 11, and 24.

Generally, the Group A claims of the present invention relate to transmitting digital media from a network server over a data network while providing the ability to determine demographic information of a user who receives the digital media such that commercial content can be inserted into the digital media according to the demographic information. *See e.g.*, lines 7 – 10 of page 9 of the present application. For example, a system user accessing the Internet may select a digital media presentation via a hypertext link. The user's IP address may be conveyed to the network server such that the digital media can be delivered to the user. The IP address may then be used to retrieve demographic information pertaining to the user (e.g., the IP address may be representative of a particular user(s) on the internet fitting a certain demographic profile). *See e.g.*, lines 13 - 18 of page 15 of the present application. A commercial can then be selected based on the demographic information for insertion to the digital media during a commercial break. *See e.g.*, lines 3 – 23 of page 16 and lines 8 – 15 of page 19 of the present application. Additionally, the invention includes means for acquiring the demographic information via inputs by the system user or monitoring of the system user's selections to determine a demographic profile. For example, observations of a user clicking on various hypertext links at an ESPN website may be used to associate the user with a demographic profile of a male between the ages of 25 and 45. Although, the invention is not intended to be so limited.

Claim Group B: Claims 22, 23, and 25.

Generally, the Group B claims of the present invention relates to a system that provides for the transmission of multimedia information over a data network in a manner similar to that described in the Group A claims. However, this invention also includes a schedule database which stores

schedules for the multimedia information as well as screen displays for presentation to the system user(s). The schedules enable transmission of the multimedia information at predetermined times for selection by the system user while the screen displays enable entrance of demographic information by the system user. As with the Group A claims, commercial content can be inserted during commercial breaks based on the demographic information.

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1 – 6, 8 – 11, and 22 – 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rangan (i.e., U.S. Patent No. 6,006,265) in view of Wachob (i.e., U.S. Patent No. 5,155,591).

VII. ARGUMENTS

Claim Group A

The Examiner rejected claims 1 - 6, 8 - 11, and 22 - 25 under 35 U.S.C. § 103(a) as being unpatentable over Rangan in view of Wachob, in the Second Non Final Office Action mailed January 18, 2006 without addressing all of the claims. In the Second Non Final Office Action, the Examiner merely argued how Rangan and Wachob obviate certain limitations in the independent claims (i.e., claims 1 and 22). When the Applicant brought this failure to address all of the claims to the Examiner's attention, the Examiner issued a Final Office Action simply stating that all claim limitations were addressed in the Non Final Office Action mailed on May 22, 2006. The Examiner's communication on May 22, 2006, however, was an interview summary in which no rejections were discussed. The Applicant considered the Examiner's assertion as meaning that all claim limitations were addressed in the Second Non Final Office Action with a mailing date of January 18, 2006. However, the Applicant maintains that the Examiner merely rejected all claims and only addressed claim limitations associated with claims 1 and 22 and did not even address each independent claim element correctly. That is, the Examiner did not point out where all of the claim elements of claims 1 and 22 are taught.

As one example of the Examiner's negligent rejection, the Examiner rejected claim 1 by stating that Rangan, at column 20, lines 52 – 60, teaches the claimed steps of receiving through a screen display demographic information for the system user and using the IP address to access a database and retrieve demographic information that is associated with the system user. However, Rangan instead merely states that a client subscriber/user/viewer (SUV) may click to a hyper video commercial to initiate a Web transaction (column 20, lines 49 and 50 of Rangan) and that the feedback from the transaction results in on-the-fly commercial insertion that may be tuned to local

demographic conditions and user profiles. Nowhere does Rangan state that demographic information for a system user is received through a screen display. In fact, Rangan does not mention or even suggest a screen display for entering demographic information in any form.

The claimed display allows the user to enter demographic information so that preferable commercials may be inserted into the multimedia presentation. The demographic information of the Applicant's claims originates from system users who have logged on and provided certain demographic information about themselves. This information is stored within a database which allows the programmer to ascertain a particular audience according to the demographic information and subsequently select commercials that are based on that demographic information. *See e.g.*, page 9, lines 5 - 24, page 10, lines 1 - 19 of the present specification. Rangan, on the other hand, teaches the automatic analysis of streaming video and the insertion of hotspots over hyperlinks to make hypervideo. Column 17, lines 49 - 53 of Rangan. While Rangan is certainly a challenging reference to comprehend, the Applicant finds no teaching or reasonable suggestion regarding the entrance of demographic information through a screen display as the Applicant claims.

Regardless, Rangan's mere statement of commercial insertion in column 20, line 55 is not the same as the commercial transmission of a retrieved commercial during a commercial break. Rather, Rangan's alleged teaching of a commercial insertion generally regards insertion of hypertext links within video content to make "hypervideo", which allows a user to select additional video content during presentation of the hypervideo. For example, Rangan explicitly states that "in accordance with the present invention, the insertion is not of clips... but rather of hyperlinks", column 20, lines 15 - 22. The specification of Rangan is fraught with explicit references stating that insertion is in the context of hyperlinks that are associated with commercials. *See e.g.*, column 18, lines 51 - 59. This differs from the Applicant's claims because, among other reasons, the Applicant

claims the insertion of commercials based on demographic information as opposed to the insertion of hyperlinks.

Additionally, the Examiner cited *In re Keller*, 642 F.2d 413, 208 (C.C.P.A. Feb. 1981) stating that the Applicant argues against the references individually and that one cannot show obviousness by attacking references individually where the rejections are based on combinations of references; the Examiner's understanding of *In re Keller* is fundamentally wrong. *In re Keller* and its progeny does relate to an Applicant's arguments in favor of patentability over an obviousness rejection (i.e., § 103(a)) based on a combination of references, as in the present application. However, *In re Keller* showed that the Applicants stipulated that every element of the Applicant's claims were taught by the combined references. The Applicants in that case chose to argue that the cited references were not combinable because they were not analogous. More specifically, the Applicant argued that a secondary reference, which included one claim element (i.e., a digital timing circuit) within a teaching of mammalian heart stimulation was not combinable with a primary reference, which included all of the Applicant's claim elements except for a digital timing circuit within a teaching of cardiac pacing. The Applicant there still claimed an analog timing circuit that was easily replaceable with the digital timing circuit of the secondary reference. This differs from the present case because the Applicant here is only stating other features that the primary reference does not teach. In other words, the cited references do not teach all of the Applicant's claim elements as required and as the Applicant maintains.

To illustrate, the Examiner stated that Rangan teaches the Applicant's element of receiving through a screen display demographic information for the system user and using the IP address to access a database and retrieve demographic information that is associated with the system user. The Applicant pointed out that Rangan does no such thing. Rangan does not teach receiving demographic information through a screen display. The Applicant then pointed out what one

skilled in the art would understand Rangan to be teaching, to illustrate the differences between what the Examiner asserted and what the Applicant claims. Thus, the Applicant has shown that Rangan does not teach all of the Applicant's claim elements as the Examiner suggests. As is well known, "all elements of the claim must be found in the reference". *In re Royka*, 490 F.2d 981 (C.C.P.A. 1974). *See also*, M.P.E.P. § 2143.03.

The Examiner also stated that Rangan does not specifically teach detecting a commercial break but that Wachob does. The Applicant agrees that Rangan does not teach detecting a commercial break; but neither does Wachob. The Examiner pointed to Figure 3 of Wachob to state that Wachob teaches detecting a commercial break. In Figure 3, Wachob teaches reading tag information that is transmitted by the system head (box 150). For example, Wachob states that "[t]he tag information defines if and when a commercial is about to occur, how long it will last, and which channel the converter should tune to". Column 7, lines 13-21 of Wachob. Nothing in this reference suggests detection; rather, the information is provided by the headend.

Regardless, Wachob is not analogous art. Rangan teaches selection of hypertext links within video content for distribution over the Internet. Wachob teaches commercial insertion during predetermined times via cable television (*see e.g.*, column 4, lines 30-35 of Wachob). The types of content are totally different. That is, Rangan delivers audio and/or video content digitally via Internet protocols through an Internet network (*see e.g.*, Figure 1 and column 24, lines 32 - 51 of Rangan), whereas Wachob delivers audio and/or video content in an analog fashion via radio frequency AM or FM modulation schemes (*see e.g.*, Figure 1 and column 4, lines 56 - 68 and column 1 - 7 of Wachob). Such analysis is inconsistent with the reasonableness standard stated in *In re Oetiker*, 977 F.2d 1443, 1447 (C.A.Fed.,1992) (stating "it is necessary to consider the reality of the circumstances... - in other words, common sense - in deciding in which fields a person of

ordinary skill would reasonably be expected to look for a solution to the problem facing the inventor. *See also* MPEP § 2141.01(a).

Even if the two references were combinable, there is simply no motivation to combine. For example, Wachob is specifically related to delivering content to a cable television user via the converter (a.k.a. a set-top-box) of Figure 1 in conjunction with the remote control of Figure 2. Rangan does not teach or reasonably suggest the use of such boxes because all of Rangan's communications are performed via computers through the Internet. Additionally, there has to be some reasonable expectation of success in the combination. *See In re Merck & Co., Inc.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). *See also* M.P.E.P. § 2143.02. There is no reasonable expectation of success because one cannot simply "jam" analog content through the internet by means of an analog cable TV box. Reasonableness aside, there is simply no way to combine Rangan and Wachob and expect the combination to work because Rangan is directed to the Internet and Wachob is directed to conventional television – two vastly different forms of communication. Rangan even expresses this fact, at column 29, lines 39 – 42, where it states that its teachings are "in marked contrast to conventional broadcast television where there is no interactivity with the viewer and/or the viewers video playback, especially including commercials."

Because neither Rangan nor Wachob teach or reasonably suggest all of the Applicant's claim elements either alone or in combination, and because Rangan and Wachob are not combinable, the Applicant maintains that claim 1 is novel and non obvious in view of the cited references.

Other examples of the Examiner's negligee shoddy examination are found in the rejections of claims 2 – 6 and 8 – 11. For example, in the Second Non Final Office Action, the Examiner never addressed the broadcasting multimedia information of claim 2, the monitoring of system users of claim 4, the querying of system users of claim 9, the presenting of an interactive component of

claim 10, or the reading of an IP address of claim 11. These dependent claims were simply lumped together in the rejections of the associated independent claim 1 without these limitations ever being addressed. Claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group. M.P.E.P § 707.07(d). The Applicant maintains that the rejection clearly cannot apply to all of the claims because the elements of the dependent claims recite unique features that are not recited in the patentable independent claim. The Examiner should have issued another non final office action to address these claims as the Applicant requested. Instead, the Examiner only addressed these limitations in the Second Final Office Action and applied similarly incorrect logic in the rejections thereof.

The Applicant maintains that Rangan does not teach monitoring a system user's computer to accumulate demographic information as claimed by the Applicant in claim 4. In fact, Rangan explicitly teaches away from this claim limitation when Rangan states "[t]his knowledge is not gained by any sort of insidious monitoring of the Client SUVs. Instead, it should be recognized that the Client SUVs from time to time identify, and link, to the (hyper)video that each wishes to view." Column 18, lines 7 – 11 of Rangan. For the first time in the Second Final Office Action, the Examiner stated that Rangan does teach monitoring a system user's computer to a cumulative demographic information at column 29, lines 35 - 39. Here, Rangan states that an advertiser may develop statistics on "click-throughs". A click-through, as is known to those skilled in the art, is obtained from users who "click" on a web page. Such is analogous to *monitoring your own website* to determine how many other people "click" on your website. This, however, does not constitute *monitoring another person's computer* as the Applicant claims. For at least these reasons, claim 4 is allowable and such disposition is respectfully requested.

As Examiner has pointed out, Rangan does not teach detecting a commercial break; but, neither does Wachob. In claim 5, the Applicant claims an ad hoc commercial break. The ad hoc

commercial break of the Applicant's claims is a type of commercial which may be shown during a program which has a number of nondesignated commercial breaks (e.g., sporting events with unpredictable timeouts). Page 10, lines 15 – 19 of the present application. The Applicant has already shown that Wachob does not teach detection of a commercial break. As such, Wachob cannot teach detection of an ad hoc commercial break. In fact, Wachob has no teaching or reasonable suggestion regarding any type of unpredictable commercial break detection. Since Wachob does not teach or reasonably suggest an ad hoc commercial break detection and since Rankin admittedly does not, claim 5 must be allowable in such disposition is respectfully requested.

Claim 9 recites a step of querying a system user to provide the demographic information when the system user logs on to the network server. Neither Rangan nor Wachob teach or reasonably suggest querying a user for demographic information when the system user logs on to the network server as the Applicant claims in claim 1. Rather, Rangan only states that demographic information is used without making reference to how the information is acquired. Wachob, on the other hand, states that information is provided by means of a remote control or “household survey” (*see e.g.*, column 1, lines 48 – 64 of Wachob) without teaching or reasonably suggesting any type of querying of a system user being performed by the network, particularly when the system user logs on to the network. That is, Wachob’s users input data to a system without regard to any query. Since Rangan and Wachob neither teach nor reasonably suggest querying of the system user for demographic information when the system user logs on, the cited references are simply insufficient in nullifying the patentable features of the Applicant's claim. For at least these reasons, claim 9 is allowable in view of the cited references and the Applicant, therefore, respectfully requests such disposition.

Rangan and Wachob also do not teach or reasonably suggest receiving a login ID from a system user, either alone or in combination, as the Applicant claims in claim 11. In fact, Wachob is

essentially precluded from doing so because the non-analogous art of Wachob is directed towards cable television and not the network servers associated with the Internet of the Applicant's claims (e.g., cable television users do not log on to their set top boxes). The Examiner first addressed this claim in the Second Final Office Action nakedly arguing that Rangan teaches a login. The Applicant has made a thorough search of Rangan and finds no such teaching or even any form of the word "log". Since neither Rangan nor Wachob teach or reasonably suggest receiving a login ID as the Applicant claims, claim 11 is allowable in view of these references in such disposition is respectfully requested.

The Applicant has shown how the above-mentioned claims are allowable in view of the cited references. Accordingly, the Applicant respectfully requests allowance of these claims.

Claim Group B

As mentioned, the invention of the group B claims is similar to that of the group A claims; but these claims require other additional features. In this regard, the Examiner rejected claim 22 based on Official Notice because stating that it is old and well known "to schedule when certain information is to be scheduled in order to designate a fixed time for an event". Even if true, the Examiner still failed to address where a schedule database stores one or more screen displays which are presentable and through which the system users enter demographic information. Moreover, the Applicant cannot even fully comprehend the Examiner's rejection because Examiner rejected claim 22 based on Rangan and Wachob. The Applicant maintains that neither Rangan nor Wachob teach or reasonably suggest such storage. The Applicant further maintains that it is not well-known to those skilled in the art to provide a schedule database that stores one or more screen displays which are presentable and through which the system users enter demographic information. Accordingly, the Applicant believes claim 22 is allowable and respectfully requests such disposition.

Regarding the Examiner's Official Notice, it has been held that an Examiner cannot simply “pick and choose” elements to depreciate the claimed invention as such would be hindsight. See *e.g.*, *In re Fine*, 837 F.2d 1071, 1075 (C.A.Fed., 1988); see also, M.P.E.P. § 2143.03. The Applicant pointed out that such a schedule database is not well-known or old and demanded proof of such an assertion. The Examiner stated, however, that the Applicant did not properly challenge the Examiner’s official notice and cited “*In re Boon*” at M.P.E.P. § 2144.03. There is no such citation at M.P.E.P. § 2144.03. Regardless, to adequately traverse “Official Notice”, an Applicant is required to specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. M.P.E.P. § 2144.03. The Applicant stated that the claimed scheduling database is used to store data pertaining to scheduling. Storing screen display data in a scheduling database would essentially be storing data other than what a typical database would be originally configured for. Accordingly, the Applicant respectfully requests withdrawal of the Examiner's Official Notice.

As with the dependent claims of claim 1, the Examiner also failed to individually address claims 23 - 25. For example, the Examiner never addressed the program source of claim 22 or the simultaneous transmission of claim 24. These dependent claims were also lumped together in the rejections of the associated independent claim 22, which the Applicant maintains is impermissible because the rejection is not equally applicable to all claims in the group. See M.P.E.P § 707.07(d). The Applicant pointed out the Examiner’s failure to address each claim in the Second Non Final Office Action and requested a new Non Final Office Action, which the Examiner summarily dismissed. The Applicant maintains that claims 22 – 25 are allowable in view of the cited references and, therefore, respectfully requests such disposition.

VIII. CLAIMS APPENDIX

1. A method of transmitting multimedia from a network server information over a data network comprising the steps of:

detecting at least one system user logged into a network server through a connection established over the data network from a remotely located computer and identifying an IP address associated with the connection of the remotely located computer with the network server, and presenting one or more hypertext links which are selectable so as to view a selected multimedia presentation;

receiving through a screen display demographic information for the at least one system user; using the IP address to access at least one database to retrieve demographic information stored therein associated with the at least one system user;

based on the selected hypertext link accessing the selected multimedia presentation in a computer memory and transmitting the selected multimedia presentation information from the network server over the connection to the remotely located computer;

detecting an inserted commercial break during the transmission of the multimedia presentation over the connection;

based on the demographic information associated with the at least one system user, accessing a commercial database and retrieving at least one commercial associated with the demographics for the at least one system user; and

transmitting the retrieved commercial to the at least one system user over the connection during the commercial break.

2. The method of claim 1 further comprising the step of:

detecting a plurality of system users logged into the network server over the data network;

identifying each of the plurality of system users connected to the broadcast server and
accessing the at least one database to retrieve demographic information stored in first memory for
each of the plurality of system users

broadcasting the multimedia information from the broadcast server over the data network to
the plurality of system users;

detecting a commercial break during broadcasting of the multimedia information;

retrieving from memory plurality of commercials, each of which is associated with the
demographic information of one of the plurality system users;

during the commercial break, simultaneously broadcasting the plurality of commercials,
wherein each of the commercials in the plurality of commercials is broadcast to a system user
within the plurality of system users with the demographic information associated with the
commercial.

3. The method of claim 1 wherein the multimedia information comprises at least one
of: a data stored in memory and a live program received from a remote source.

4. The method of claim 1 further comprising the step of monitoring the at least one
system user receiving the multimedia presentation and accumulating additional demographic
information for the multimedia presentation.

5. The method of claim 4 wherein the step of detecting a commercial break is
performed for ad hoc commercial breaks.

6. The method of claim 1 further comprising the step of identifying one or more appropriate commercials based on the time available during an identified commercial break.

Claim 7 (Cancelled)

8. The method of claim 7 wherein the demographic information includes at least one of: age of the at least one system user, sex of the at least one system user, and geographic location of the at least one system user.

9. The method of claim 1 further comprising the step of querying the least one system user to provide the demographic information when the at least one system user logs onto the network server.

10. The method of claim 1 further including the step of presenting an interactive component in the broadcast of the at least one commercial whereby additional information may be retrieved from the memory based on the at least one system user's response to the interactive component.

11. The method of claim 1 wherein the step of identifying the at least one system user comprises at least one of: reading the I.P. address the at least one system user logged into the network server and receiving a login ID from the at least one system user upon logging into the network server.

Claims 12-21 (Cancelled)

22. A network server configured for transmitting multimedia information over a data network comprising:

a network interface in communication with a data network, said network interface configured to establish one or more connections with systems user connecting with the network server over the data network;

a schedule database within which is stored one or more schedules for the multimedia information as well as one or more screen displays which are presentable and through which the one or more system users enter demographic information;

a program source from which the multimedia information included listed in the one may be retrieved;

a commercial database within which are stored commercials which are transmittable to the at least one system user, wherein each of the commercials is associated with one or types of the demographic information;

a processor in electrical connection the network interface, the schedule database and the program source, wherein the processor is configured to retrieve the multimedia information selected from the one or more schedules, and to transmit the retrieved multimedia information to the system user over the connection established by the system user through the network interface; and

said processor further configured to select one or more commercials associated with the entered demographic information and to transmit the selected commercial with the selected multimedia information.

23. The network server of claim 22 wherein the program source comprises at least one of: a database containing the multimedia information as data files and an external broadcast source.

24. The network server of claim 22 wherein the processor is further configured to transmit a plurality of multimedia information presentations simultaneously to different system users.

25. The network server of claim 22 wherein the data network is the World Wide Web.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.

XI. CONCLUSION

Based upon the foregoing, Appellant respectfully requests the Board to reverse the Examiner's § 103(a) rejections of all pending claims and to pass the above-identified patent application to issuance.

Respectfully submitted,

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APPENDIX A

A copy of U.S. Patent No. 6,006,265 to Rangan, et al.

APPENDIX B

A copy of U.S. Patent No. 5,155,591 issued to Wachob.